

P.L. 107.118. Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002 U. S EPA, Region 5

Deborah Orr
April 2006

Brownfields Definition

“.....real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.”

Subtitle A. Brownfields Revitalization Funding provides \$200 million a year

- Authorizes grants of up to \$350K per site for *assessment*.
- Authorizes grants of up to \$200K per site for eligible entities, including not-for-profits, to *clean up* brownfields.
- Authorizes grants of up to \$200K for *job training* to eligible entitles.
- Authorizes grants for up to \$1M for *revolving loan fund* (RLF) program.

Subtitle B. Brownfields Liability Clarifications

- Contiguous Property Owner. Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from a neighboring property, so long as the person did not cause or contribute to the release.
- Innocent Landowners. Provides Superfund Liability relief for landowners who had no reason to know of contamination at the time of purchase.
- Prospective Purchasers and Windfall Liens. Provides Superfund liability relief for future buyers of facilities who are not responsible for contamination.

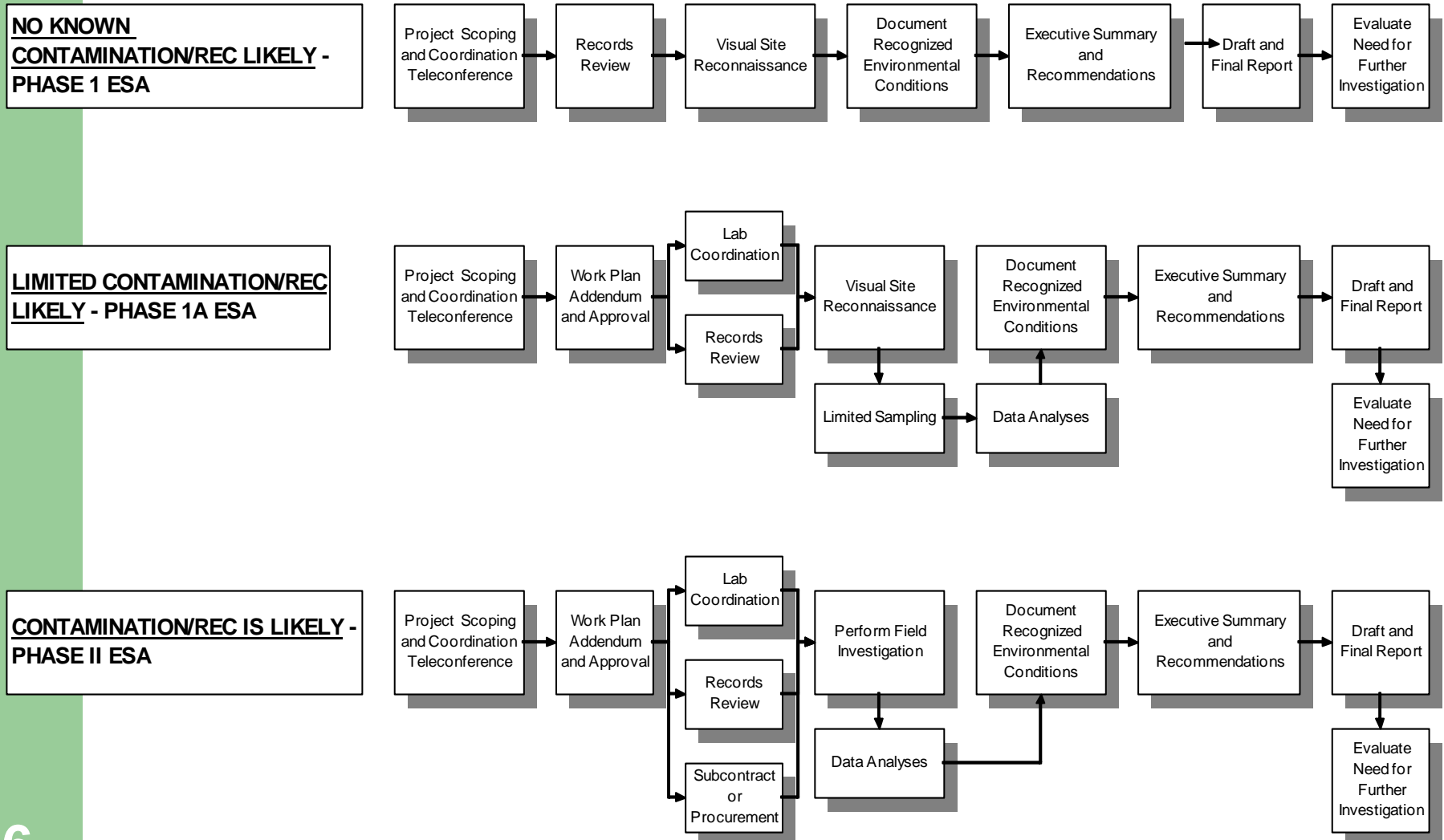
All Appropriate Inquiries

- BF law requires EPA to establish the AAI rule.
- AAI effective date is November 1, 2006
- Property buyers who want CERCLA liability protection and eligible entities that use EPA BF funds are affected by AAI.
- More information on AAI can be found at:
www.epa.gov.brownfields

FACT SHEET

Targeted Brownfields Assessment Process

The United States Environmental Protection Agency (USEPA) Targeted Brownfields Assessment (TBA) program process is intended to address the initial stages of returning a brownfield property to productive use. The process includes completion of Phase I and II TBAs that are consistent with the industry standard Phase 1 and 2 environmental site assessments described in American Society of Testing and Materials (ASTM) standards E1527-00 (Phase I) and E1903-97 (Phase II). Like the ASTM standards the TBA process is focused on identifying Recognized Environmental Conditions (RECs). The following table summarizes the essential elements of the TBA process.



Subtitle C. State and Tribal Response Programs

- Bars Federal enforcement action for sites in State/Tribal cleanup programs in some circumstances.
- Federal re-openers to ensure safety net (State/Tribal requests, endangerment, new information).
- States/Tribes provides annual list of sites in response program.
- Outline suggested elements of State/Tribal response programs.
- Provides NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided \$50 million a year to support brownfields programs.

FY2006 Appropriations budget: Competitive funding is \$72 million. EPA anticipates award of approximately 200 cooperative agreements. Last years successful projects included -

State

- IL - 7
- IN - 2
- MI - 28
- MN - 9
- OH - 19
- WI - 11

Total - 76

Grant Type

- Assessment - 53
- Cleanup - 19
- RLF – 4
- Job training – 0

Useful Tips

- Follow the instructions
- Answer all the questions
- Tell your story
- Make no assumptions
- Do your homework

Brownfields Assessment Success Story: Sterling, IL



Brownfields Assessment Success Story: LaPorte, IN



Brownfields Cleanup Success Story: St. Paul Port Authority, MN



Brownfields Cleanup Success Story: Milwaukee, WI



Brownfields RLF Success Story: Mason Run, Monroe, MI



Brownfields RLF Success Story: Cleveland, Cuyahoga County, OH



Recommendation:
Conceptual Site Plan

Allegro
Realty Advisors



Job Training Success Story: Milwaukee Community Service Corps



Your Success Story Here

Application Schedule for FY2007 (draft)

- Nov 1 – Job Training Grant proposals due
- Nov 1 - Assessment, Cleanup, and Revolving Loan Fund proposals
- Spring 2006 – Award Announcements

Training Opportunities

- ❑ Nuts and Bolts, Cleveland OH, June 5-9, 2006
- ❑ FY2006 Brownfields Competitive Proposal Guideline Training, July 18, 2006
- ❑ Brownfields Grants Administration Training, July 19–20, 2006
- ❑ National Brownfields Conference, November 12-15, 2006, Boston MA.

USEPA Region 5 Brownfields Contacts

Deborah Orr

(312)886-7576

Orr.Deborah@epa.gov

**The FY2007 grant application guidelines
will be available at
www.epa.gov/brownfields sometime
in October.**